

MINUTES
SUBSTANCE ABUSE SERVICES COUNCIL
NOVEMBER 16, 2005
WYNDHAM HOTEL
RICHMOND, VIRGINIA

PATTY GILBERTSON
CHAIR

MEMBERS PRESENT:

Inge Tracy, Department of Corrections
Rudi Schuster, Department of Criminal Justice Services
Scott Reiner, Department of Juvenile Justice
Kim Barnes, Department of Health (representing Janice Hicks)
Catherine Hancock, Department of Medical Assistance Services
Ken Batten, Department of Mental Health, Mental Retardation and Substance Abuse Services
David Mosley, Department of Motor Vehicles
Debra Gardner, Commission on Virginia Alcohol Safety Action Programs
Joseph Battle, Consumer/Advocate
John Gibney, Jr., Consumer/Advocate
Jennie S. Amison, Substance Abuse Certification Alliance of Virginia
Jennifer Johnson, Virginia Association of Alcohol and Drug Abuse Counselors
Michael Fragala, Virginia Association of Drug and Alcohol Programs
Chuck Walsh, Virginia Association of Community Services Boards (at large)
Jim May, Ph.D., Virginia Association of Community Services Boards (at large)
Patty Gilbertson, Virginia Drug Court Association

STAFF:

Mellie Randall, DMHMRSAS
Lynette Bowser, DMHMRSAS
Marc Goldberg, DMHMRSAS
Richard Wright, DMHMRSAS
Angela Coleman, VASAP

- I. WELCOME AND INTRODUCTIONS:** The meeting was called to order and the newly appointed chairperson, Patty Gilbertson, introduced herself to the Council. Ms. Gilbertson welcomed new members as well as returning members to the Council. She asked that those present introduce themselves.

Mellie Randall, staff to the Council, reviewed the material contained in the packet provided to attendees.

- II. REVIEW AND APPROVAL OF MINUTES OF JUNE 9, 2005 MEETING:** Council reviewed the minutes of the June 9, 2005 meeting. Amendments made included

correcting the spelling of Rudi Schuster's name where necessary. Jennifer Johnson noted that on page 6, under New Business D. Organization Updates, the minutes should be changed to reflect that she represented VAADAC at the national meeting of NADAAC, not VADAP, as stated in the minutes.

A motion was made by Rudi Schuster and seconded to approve the minutes with the noted changes. Without further discussion the motion was carried.

III. OLD BUSINESS:

A. Committee Reports: Prior to the meeting, all members had received via email a draft copy of the Council's annual report to the Governor, which contained reports by the committees established in the Council's bylaws. Hard copies were also distributed at the meeting.

- 1. Budget Committee:** Brent McCraw, past president and representative of the Virginia Association of Drug and Alcohol Programs had chaired the Budget Committee. In his absence, Ms. Randall reviewed the report. The first section of the committee's report covered the current concerns of the Council. After much discussion, the Council reached consensus to focus on two major issues: the lack of state General Funds dedicated to providing prevention services for substance use disorders and treating substance use disorders as a chronic, relapsing health problems. The next section of the committee's report reviewed and updated the recommendations from last year's annual report. The final section of the report provided an update to the responses of the 10 agencies surveyed by the committee.

Ms. Randall entertained questions and comments on the report. A suggestion was made that in the recommendations section under action steps, where the phrase "This recommendation remains viable" that the report be more specific about the status of the recommendation. Also that the report include some introductory comments about the scope of the recommendations and where definitive actions have or have not been taken, it is noted, otherwise state that the recommendation remains an ongoing recommendation and priority for the Council.

There was concern voiced about getting something to the General Assembly in a timely fashion for their review. The members were informed that the report was due to the General Assembly by December 1. After discussion Council decided to convene a committee during the lunch break of this meeting, to come up with its top three recommendations for the annual report. If approved by the Council after lunch, these recommendations would be submitted to the legislative members of the Council for review/action. The top three recommendations will be drafted and e-mailed to Council members, for review and comments returned by

November 23. The final document will be developed and submitted to the legislators by December 1.

Scott Reiner made a motion that a revised version of the report be prepared reflecting input collected during the Council meeting and within a one week period from members via e-mail, with the final draft distributed to Council to be adopted by email. The motion was seconded and carried.

2. **Planning Committee:** Scott Reiner gave members an overview of this committee's submission for the annual report. Legislation was passed in 2004 directing the Council to collect information about the impact and cost of substance abuse treatment provided by public agencies in the Commonwealth. The task of the committee was to address this legislation which asked that the Council identify state operated programs that provide treatment services, to spell out the objectives of those programs, the activities, the cost of achieving those objectives and to specifically take a look at how capable the agencies were at evaluating those activities to determine if the objectives were being met.

The Council surveyed the Department of Mental Health, Mental Retardation and Substance Abuse, Department of Juvenile Justice; and the Department of Corrections, as these are the only state agencies that provide publicly funded substance abuse treatment services. The committee summarized the results of the survey by providing background about substance abuse treatment and evaluation of treatment effectiveness. The report concludes with recommendations for consideration by the General Assembly regarding evaluation and amending of the language in § 2.2-2697(b) of the Code of Virginia regarding outcome measures.

There was discussion to stress in the report the need for sufficient resources for these agencies to do an adequate job of evaluating treatment effectiveness.

3. **Program Committee:** Rudi Schuster stated that The Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol assigned five tasks to the Council related to the provision of prevention, intervention and treatment services provided to Repeat and Hardcore Drunk Drivers served by Virginia Alcohol Safety Action programs. In response to this charge, the committee prepared a plan that provides information about the work of the Council to address the assignment, which was accomplished by this committee, and will be included in the Council's annual report as an appendix.

Rudi Schuster made a motion to approve and move ahead with the short term plan that was developed by the committee and included in the annual report. The motion was seconded and carried.

B. Other Old Business

1. DMHMRSAS Budget Request

Ken Batten informed the Council of the proposed budget request put forth by DMHMRSAS related to substance abuse treatment or prevention to the Governor for his next two-year budget. The proposal is a series of target initiatives that include the following initiatives:

- addressing the prescription drug abuse problem in the southwest area of the state (\$4.8 million);
- collaborating with external agencies (DRS, Drug Courts & DOH) (\$4.4 million);
- expanding implementation of evidence based and consensus based practices statewide (\$650,000);
- increasing crisis stabilization at seven sites (\$600,000 per site);
- establishing a residential program to serve adolescents (\$1.6 million);
- expanding the Comprehensive Services Act for adolescents (\$100,000);
- establishing a residential treatment services program for pregnant women (\$1 million);
- expanding of Project LINK;
- dedicating funds to continue activities initiated by the federal grant to improve infrastructure related to serving people with co-occurring mental illness and substance use disorders when the grant concludes in 2007 (\$3.9 million);
- expanding evidenced based prevention programs throughout the state (\$1.75 million);
- enhancing the evidence-based practices with prevention programs throughout the state (\$370,000).

Mr. Batten stated the total request is \$22,107,000. Department leadership is not sure if this total amount will be included in the Governor's budget, but these initiatives were included in the package forwarded to the Secretary of Health and Human Resources. The package is currently under consideration by the Department of Planning of Budget, the Secretary and the Governor's office. The Governor is expected to release his budget around December 15.

2. Recommendations for Annual Report

As was discussed prior to the lunch break, Jim May and Patty Gilbertson reported on the top three recommendations from the annual report that the Council wants to include in an executive summary to be sent to the legislative representatives of the Council for consideration/action. The

committee went through the draft report and considered the recommendations and comments made by members earlier to develop the list. The recommendations were presented to the members and after discussion the top four recommendations were as follows:

1. Recommendation #1 (Expand capacity of the treatment of substance use disorders for all citizens in need of those services throughout the Commonwealth): Action Step #1a (recommending that General Assembly amend the Code of Virginia to include the Director the Department of Medical Assistance Services) to roll in b (recommending collaboration between DMHMRSAS, DMAS and public and private providers in the development of regulations re: use of Medicaid for SA treatment, to begin when funds are appropriated).
2. Recommendation #5 (Advocate and market recover from substance use disorders and reduce stigma throughout the Commonwealth) : Action Step 2d (pertaining to compliance with § 2.2-2597): An assessment of each agency's capacity to collect, analyze, and report the following information: (i) the amount of funding expended under such programs for the prior fiscal year; (ii) the number of individuals served by the program using that funding; and (iii) the extend to which program objectives have been accomplished as reflected by an evaluation of the outcome measures.
3. Recommendation #3 (Expand the availability of substance use disorder treatment for youth and families throughout the Commonwealth) Action Step #1 (The Council recommends that the General Assembly identify and establish stable funding sources for treatment for youth and families in the community-based and institutional settings).
4. Recommendation #2 (Expand the scope of substance use disorder prevention activities for youth and families of Virginia): Action Step #1 (The Council recommends that the General Assembly raise the user fees on tobacco products to a minimum of the national average and target a percentage of those funds to support the expansion of local prevention programs by requiring Virginia's Health Care Trust Fund to allocate a minimum of 20% of the revenues from the increased user fees on tobacco products for evidence-based prevention initiatives, to be administered by DMHMRSAS, and implemented an coordinated through local community services boards.)

Ms. Randall will draft the executive summary to include the top recommendations with agreed upon amendments and will submit draft to members for further comment and then will send out the final draft that will be submitted. A motion was made by Scott Reiner and seconded by

John Gibney that the Council adopt the recommendations. With no further discussion the motion carried.

3. Recognition of Dr. May, past Chair.

At this point in the meeting, Ms. Gilbertson, on behalf of the Council, recognized the work and accomplishments of the previous chair of the Council, Dr. James C. May. She thanked Dr. May for his three years as the chair and two years as the vice chair and presented Dr. May with a gift, on behalf of the Council, to acknowledge his hard work and service to the Council. Dr. May thanked the Ms. Gilbertson and the Council for the gift.

IV. NEW BUSINESS:

A. Code Revisions Affecting the Council (§2.2-2696 and 2697): Ms.

Randall informed the Council that the Code Commission in the last couple of years has been focusing on the section of the Code with the authorizations for DMHMRSAS. As a result, the section of the Code pertaining to the Council was moved from §37.1 to §2.2 where Code sections for all the other councils and commissions, etc. reside. In addition, as a result of recommendations from the Council in its last legislative report, the General Assembly amended the Code to add several members to the Council, including the Department of Alcoholic Beverage Control, the Department of Medical Assistance Services, the Department of Motor Vehicles, the Governor's Office for Substance Abuse Prevention, the Virginia Drug Court Association and the Virginia Tobacco Settlement Foundation.

B. Discussion of Bylaws: Ms. Randall stated that because the Council has added members, the Bylaws needed to be amended to reflect the addition of members. She suggested that the bylaws be amend to simply make reference to §2.2-2696(b) of the Code, so that when the Code changes again the Council would not have revise its bylaws.

Ms. Randall stated that members might want to review the bylaws to see if there are other areas that need amending. The chairperson tabled further discussion of this item. The chairperson will convene an ad hoc committee to discuss and make recommendations regarding committee structure, etc. Scott Reiner volunteered to serve on the ad hoc Bylaws Committee. The committee will send out recommended changes, 30 days in advance of the next meeting. This item will be added to the agenda of the next meeting.

Ms. Gilbertson also stated that the Council needed to appoint a new vice-chairperson for the Council. The chairperson asked if there were any recommendations for Vice-chairperson. Jim May nominated John Gibney

for this position. Mr. Gibney accepted the nomination. A motion was made by Jim May and seconded by Scott Reiner to appoint Mr. Gibney as vice-chairperson. Without further discussion, the motion carried.

C. Regulatory Action:

- 1. Revision to Human Rights Regulations:** Council was provided with a copy of the proposed Human Rights Regulations that assures that the human rights of all the persons that are treated by anyone, anywhere in the state are respected. Ms. Randall stated that DMHMRSAS is responsible by Code for assuring these rights. The old regulations had some problematic language for providers of substance abuse treatment services, especially in residential settings, in regards to restrictions on mail, visitors and telephone use. A substance abuse services subcommittee was established to review the proposed new regulations and to make recommendations to the Human Rights Advisory Committee. Council members were provided with a copy of draft the regulations, including the recommended changes developed by the subcommittee that were submitted to the advisory committee.
- 2. Draft Methadone Regulations:** Ms. Randall stated as an information item for the Council that the draft regulations for methadone treatment programs are under review by the Attorney General's office.

Due to time, the remainder items on the agenda were tabled until the next meeting.

- VI. ADJOURNMENT AND NEXT MEETING DATE:** The next Council meeting will be held on Wednesday, January 25, 2006, location to be announced. A motion was made by Rudi Schuster and seconded by Jennie Amison to adjourn the meeting. There being no further discussion, the motion carried.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Lynette Bowser/s
Staff to the Council